

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Multidistrict Litigation Action No. 01:18—md—2824-WJ

***IN RE* GOLD KING MINE RELEASE IN SAN
JUAN COUNTY, COLORADO, ON AUGUST 5,
2015.**

(This STIPULATION relates to all the consolidated actions.)

STIPULATION

Defendant/counterclaimant/cross-claimant/third-party plaintiff
Environmental Restoration, LLC (“Environmental Restoration”) and
defendant/cross-claim defendant/third-party defendant Harrison Western
Construction Corporation (“Harrison Western”) hereby enter into the following
stipulation:

WHEREAS, Environmental Restoration has asserted cross-claims and third-party complaints against Harrison Western sounding in contribution and declaratory relief in the following cases:

- *State of New Mexico v. United States Environmental Protection Agency, et al.*, Case No. 01:16—cv—00465-WJ-LF (D.N.M.);
- *Navajo Nation v. United States of America, et al.*, Case No. 01:16—cv—00931-WJ-LF (D.N.M.);
- *McDaniel, et al v. United States of America, et al.*, Case No. 01:17—cv—00710-WJ-SCY (D.N.M.);
- *Allen, et al. v. United States of America, et al.* Case No. 01:18—cv—00744-WJ-KK (D.N.M.); and,

- ***State of Utah v. Environmental Restoration, LLC
et al., Case No. 01:18—cv—00319-WJ (D.N.M.).***

WHEREAS, Environmental Restoration's claims against Harrison Western were raised by means of third-party complaints in four of the cases and by means of cross-claims in one of the cases;

WHEREAS, Harrison Western's answers to the third-party complaints and cross-claims will be based on the same laws and facts; and,

WHEREAS, Harrison Western wishes to answer the third-party complaints and the cross-claims at the same time.

Accordingly, Environmental Restoration and Harrison Western now stipulate and agree that Harrison Western's answers to Environmental Restoration's third-party complaints and cross-claims shall be due September 22, 2019.

DATED THIS 19th DAY OF SEPTEMBER, 2019.

Respectfully Submitted,

HALL & EVANS, LLC

By: s/ Brian Molzahn

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RESTORATION, LLC**

CERTIFICATE OF SERVICE

Pursuant to **D.N.M.LR-Civ. 7.1(b)**, I hereby certify that on this 19th day of September 2019, a true and correct copy of the foregoing **STIPULATION** was, unless otherwise noted, served on the following *via* CM/ECF system:

COUNSEL OF RECORD

[s/ *Martha S. Fiser*]_____

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